

THIRTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Thursday, February 21, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson
in the chair.

Roll call, quorum present, the follow-
ing answering to their names:

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|-------------|------------|
| Alexander. | Holsey. |
| Barrett. | Hudspeth. |
| Brachfield. | Kellie. |
| Chambers. | Masterson. |
| Cunningham. | Mayfield. |
| Faust. | Murray. |
| Glasscock. | Paulus. |
| Griggs. | Smith. |
| Grinnan. | Terrell. |
| Harbison. | Veale. |
| Harper. | Watson. |

Absent.

Meachum. Willacy.

Absent—Excused.

Stokes.

Absent Excused—On Account of Investi-
gating Committee.

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| Green. | Senter. |
| Greer. | Skinner. |
| Looney. | Stone. |

Prayer by the Chaplain, Rev. H. M.
Sears.

Pending the reading of the Journal of
yesterday, on motion of Senator Veale,
the same was dispensed with.

EXCUSED.

On motion of Senator Masterson, Sen-
ator Meachum was excused from attend-
ance upon the Senate for today on ac-
count of sickness.

(See Appendix for committee reports,
petitions and memorials.)

BILLS AND RESOLUTIONS.

By Senator Glasscock:

Senate bill No. 201, A bill to be en-
titled "An Act to prohibit railroad com-
panies owning or operating a railroad in
this State to collect the passenger fare
or tickets for passenger fare except ex-
cursion tickets from any and all passen-
gers traveling on their lines of railway
in this State until such railroad com-
pany through its agents or employes
shall first obtain a comfortable seat for
such passenger on their passenger
trains."

Read first time, and referred to Com-
mittee on Internal Improvements.

By Senator Veale:

Senate bill No. 202, A bill to be en-
titled "An Act to provide for the pat-
enting of portions of the sold public
free school lands of this State, in cases
where transfer of same is made by heirs,
administrators or other legal representa-
tives, or transfers emanating through
any regular court proceedings of this
State."

Read first time, and referred to Com-
mittee on Lands and Land Office.

By Senator Green:

Senate bill No. 203, A bill to be en-
titled "An Act to be entitled an act to
incorporate the trustees of the Indepen-
dent School District of the City of San
Antonio, Texas, under the name 'San
Antonio School Board,' with power to
make contracts, to be a party to actions
in courts, to receive gifts, grants, con-
veyances, donations or devices for use
of public free schools of said city and
district, and power to levy taxes, to is-
sue and dispose of bonds and provide
for payment of same, to borrow money,
to appoint depositories for the funds of
said board, to adopt text-books, and to
do all acts authorized by this law, and
providing for an emergency; and re-
pealing an act passed at the Regular
Session of the Twenty-eighth Legislature
of the State of Texas, Chapter 128 of
the General Laws, incorporating the In-
dependent School District of the City of
San Antonio; and repealing an act
passed at the Regular Session of the
Twenty-ninth Legislature of the State
of Texas, Chapter 96 of the General
Laws, entitled 'An Act to amend Sec-
tion 17 of an act incorporating the
trustees of the Independent School Dis-
trict of the City of San Antonio, Texas,
passed at the Regular Session of the
Twenty-eighth Legislature of the State
of Texas, Chapter 128 of the General
Laws,' and declaring an emergency,"

Read first time, and referred to Com-
mittee on Educational Affairs.

Morning call concluded.

HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, February 21, 1907.

Hon. A. B. Davidson, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following bills:

Committee Substitute Senate bill No.
33, A bill to be entitled "An Act to con-
fer the power of eminent domain upon
interurban electric railway companies.

to regulate the exercise thereof, to permit such companies to construct their railways along and across highways, steam railways, roads, canals, streets, streams, bays, navigable waters and arms of the sea, and to condemn easements and rights of way upon the track or tracks of any electric street railway companies in this State, and to regulate the manner thereof, providing for the making this law cumulative of the General Laws of the State of Texas, and to confer upon interurban electric railway companies the authority to produce, supply and sell electric light and power to the public and to municipalities, and providing an emergency."

Senate bill No. 19, A bill to be entitled "An Act providing additional procedure by which testimony may be taken in suits brought by the Attorney General, or under his direction, to enforce the laws of this State against trusts, monopolies and conspiracies against trade or suits to enforce laws regulating and controlling organizations; providing for the appointment of a special commissioner to take testimony within or without the State, and providing that judgment by default shall be rendered against any defendant in such action who fails to comply with the provisions of this act," with amendments.

Senate bill No. 90, A bill to be entitled "An Act to amend Chapter 80 of an act passed by the Twenty-sixth Legislature at its Regular Session of 1889, and amended by an act passed by the Twenty-eighth Legislature at its Regular Session, entitled 'An Act to create a more efficient road system for Wharton county and Lavaca county, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, prescribing their duties,' etc."

Senate bill No. 69, A bill to be entitled "An Act to repeal Chapter 32 of the Acts of the Twenty-eighth Legislature, page 241, entitled 'An Act to create a more efficient road law for Henderson county, Texas.'"

House bill No. 346, A bill to be entitled "An Act to incorporate Seagoville School District, in Dallas and Kaufman counties, as an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein."

House bill No. 353, A bill to be entitled "An Act creating a special road law for Childress county, Texas."

House bill No. 410, A bill to be entitled "An Act to create a more efficient

road system for Washington county, Texas."

House bill No. 424, A bill to be entitled "An Act to amend Section 7, Chapter 38, special road law for Hood county, Texas, fixing the amount to be paid by citizens of that county, to be exempt from road duty for a year."

Senate bill No. 161, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Hallettsville, in the county of Lavaca, and the State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Hallettsville Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

Senate bill No. 139, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the town of Tulia, in the county of Swisher and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Tulia Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Senate bill No. 92, A bill to be entitled "An Act to incorporate Wellington School District in Collingsworth county as an independent school district, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools."

House bill No. 259, A bill to be entitled "An Act to create a more efficient road system for Bowie county, Texas."

House bill No. 305, A bill to be entitled "An Act to amend an act entitled 'An Act to amend an act to incorporate the city of Austin, to grant it a new charter and to fix its boundaries, passed at the First Called Session of the Twenty-seventh Legislature, being Chapter 3 of the Special Laws of said session, said act approved September 18, 1901, and to repeal all laws in conflict therewith, so as to provide for extending the boundaries of the city, so as to include within such boundaries J. W. Beard's one-acre tract,' passed at the Regular Session of the Twenty-ninth Legislature, being Chapter 32 of the Special Laws of said session, said act having become a law on April 15, 1905, without the approval

of the Governor; and repeal all laws in conflict therewith, so as to provide for extending the boundaries of the city so as to include within such boundaries J. E. Shelton's two-acre tract."

House bill No. 371, A bill to be entitled "An Act to amend Sections 1 and 2, Chapter 71, of the Acts of the Twenty-eighth Legislature of the State of Texas, being an act to amend Section 1 of Chapter 24 of the Acts of the Twenty-seventh Legislature of the State of Texas, being an act to amend Section 1, Chapter 128 of the act passed by the Twenty-sixth Legislature and sent to the Governor for his approval on the 10th day of May, 1899, and entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties, or in any subdivisions of said counties.'"

House bill No. 366, A bill to be entitled "An Act to amend Chapter 24, General Laws of the State of Texas, passed at the Regular Session of the Twenty-seventh Legislature, 1901, placing Colorado, Lavaca, Washington, Williamson, Smith and Delta counties under the provisions of Chapter 128 of an act passed by the Twenty-sixth Legislature of the State of Texas, providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in subdivisions of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin, Brazos and Lavaca, by adding thereto Sections 2 and 3."

House bill No. 363, A bill to be entitled "An Act to define the limits of the Fourteenth and Forty-fourth Judicial Districts, and to repeal all laws or parts of laws in so far as they may conflict with the provisions of this act."

House bill No. 369, A bill to be entitled "An Act to restore to and confer upon the county court of Frio county the civil and criminal jurisdiction belonging to such court under the Constitution and general statutes of the State; to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act, so far as relates to Frio county."

House bill No. 392, A bill to be entitled "An Act to confer upon the county court of San Jacinto county the civil and criminal jurisdiction heretofore belonging to said court under the Consti-

tution and general statutes of the State of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court; to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 381, A bill to be entitled "An Act to repeal an act to create a more efficient road system for Leon county, Texas, passed at the Regular Session of the Twenty-seventh Legislature of the State of Texas, presented to the Governor of Texas for his approval on the 29th day of March, 1901, and which took effect ninety days after the adjournment of the Legislature then in session."

House bill No. 423, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Claude, in the county of Armstrong, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as the Claude Independent School District, with all the powers, rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following bills:

House bill No. 424, read and referred to Committee on Roads, Bridges and Ferries.

House bill No. 423, read and referred to Committee on Educational Affairs.

House bill No. 371, read and referred to Committee on Stock and Stock Raising.

House bill No. 410, read and referred to Committee on Roads, Bridges and Ferries.

House Bill No. 381, read and referred to Committee on Roads, Bridges and Ferries.

House bill No. 369, read and referred to Committee on Judicial Districts.

House bill No. 363, read and referred to Committee on Judicial Districts.

House bill No. 392, read and referred to Committee on Judicial Districts.

House bill No. 353, read and referred to Committee on Roads, Bridges and Ferries.

House bill No. 366, read and referred to Committee on Stock and Stock Raising.

House bill No. 346, read and referred to Committee on Educational Affairs.

House bill No. 305, read and referred to Committee on Towns and City Corporations.

House bill No. 259, read and referred to Committee on Roads, Bridges and Ferries.

HOUSE BILL NO. 67.

On motion of Senator Veale, the special order of business (Senate bill No. 25) was suspended, and the Senate took up, out of its order, House bill No. 67.

The Chair laid before the Senate, on third reading,

House bill No. 67, A bill to be entitled "An Act creating an independent school district, to be known as the Quanah Independent School District, including within its limits the municipal corporation of the town of Quanah, in Harde-man county, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board."

Senator Veale moved to table the motion to reconsider the vote by which the bill was passed to a third reading, and spread on the Journal.

The motion to table was adopted.

The bill was read third time.

The roll call developed no quorum voting, the following Senators answering to their names:

| | |
|-------------|------------|
| Alexander. | Hudspeth. |
| Barrett. | Kellie. |
| Chambers. | Masterson. |
| Cunningham. | Mayfield. |
| Faust. | Murray. |
| Glasscock. | Paulus. |
| Griggs. | Smith. |
| Grinnan. | Terrell. |
| Harper. | Veale. |
| Holsey. | Watson. |

Absent.

Harbison. Willacy.

Absent—Excused.

Meachum. Stokes.

Absent Excused—On Account of Investigating Committee.

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|-------------|----------|
| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

Senator Smith moved a call of the Senate for the purpose of securing a quorum, the call being duly seconded, and was so ordered.

The roll was called, the following Senators answering to their names:

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|-------------|------------|
| Alexander. | Kellie. |
| Barrett. | Masterson. |
| Chambers. | Mayfield. |
| Cunningham. | Murray. |
| Faust. | Paulus. |
| Glasscock. | Smith. |
| Griggs. | Terrell. |
| Grinnan. | Veale. |
| Holsey. | Watson. |
| Hudspeth. | |

Absent.

Harbison. Willacy.
Harper.

Absent—Excused.

Meachum. Stokes.

Absent Excused—On Account of Investigating Committee.

| | |
|-------------|----------|
| Brachfield. | Stone. |
| Green. | Senter. |
| Greer. | Skinner. |
| Looney. | |

The Sergeant-at-Arms was instructed to bring in the absentees.

Senator Barrett moved that the Senate adjourn until tomorrow morning at 10 o'clock, which motion was lost by the following vote:

Yeas—4.

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| Barrett. | Kellie. |
| Harper. | Smith. |

Nays—16.

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| Alexander. | Hudspeth. |
| Chambers. | Masterson. |
| Cunningham. | Mayfield. |
| Faust. | Murray. |
| Glasscock. | Paulus. |
| Griggs. | Terrell. |
| Grinnan. | Veale. |
| Holsey. | Watson. |

Absent.

Harbison. Willacy.

Absent—Excused.

Meachum. Stokes.

Absent Excused—On Account of Investigating Committee.

| | |
|-------------|----------|
| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

Senator Harbison was here announced at the bar of the Senate, which completed a quorum.

SIMPLE RESOLUTION.

Senator Chambers, by unanimous consent, offered the following resolution:

Resolved by the Senate of the State of Texas, That the Lieutenant Governor appoint W. A. Shaw to a position whose duties shall be any work that the Lieutenant Governor may designate, and that said party shall receive the sum of \$5 per day.

CHAMBERS,
HUDSPETH.

Senator Harper moved that the resolution be referred to Committee on Contingent Expenses.

Senator Hudspeth moved to table the motion to refer the resolution, which motion to table was adopted by the following vote:

Yeas—15.

| | |
|-------------|------------|
| Alexander. | Hudspeth. |
| Barrett. | Kellie. |
| Chambers. | Masterson. |
| Cunningham. | Murray. |
| Faust. | Paulus. |
| Griggs. | Terrell. |
| Harbison. | Watson. |
| Holsey. | |

Nays—6.

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|------------|-----------|
| Glasscock. | Mayfield. |
| Grinnan. | Smith. |
| Harper. | Veale. |

Absent.

Willacy.

Absent—Excused.

Meachum. Stokes.

Absent Excused—On Account of Investigating Committee.

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|-------------|----------|
| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

Senator Murray then asked to offer a substitute resolution, and Senator Smith raised the point of order that the resolution was not before the Senate, that

the special order of business would have to be suspended.

The Chair sustained the point of order.

On motion of Senator Chambers, the pending order of business (Senate bill No. 25) was suspended, and the Senate took up, out of its order, the resolution by the following vote:

Yeas—15.

| | |
|-------------|------------|
| Alexander | Hudspeth. |
| Barrett. | Kellie. |
| Chambers. | Masterson. |
| Cunningham. | Murray. |
| Faust. | Paulus. |
| Griggs. | Terrell. |
| Harbison. | Watson. |
| Holsey. | |

Nays—6.

| | |
|------------|-----------|
| Glasscock. | Mayfield. |
| Grinnan. | Smith. |
| Harper. | Veale. |

Absent.

Willacy.

Absent—Excused.

Meachum. Stokes.

Absent Excused—On Account of Investigating Committee.

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| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

Senator Murray offered the following substitute for the resolution:

Whereas, The Senate has no Assistant Doorkeeper, and

Whereas, The Sergeant-at-Arms is now sick, leaving the Senate almost helpless; therefore, be it

Resolved, That the President of the Senate appoint a suitable person to act as Assistant Sergeant-at-Arms, subject to be discharged by the President of the Senate when in his judgment the services are not necessary, and that he be paid \$5 per day.

The substitute resolution was read and lost.

The original resolution was then read and adopted by the following vote:

Yeas—16.

| | |
|-------------|------------|
| Alexander. | Hudspeth. |
| Barrett. | Kellie. |
| Chambers. | Masterson. |
| Cunningham. | Murray. |
| Faust. | Paulus. |
| Griggs. | Terrell. |
| Harbison. | Veale. |
| Holsey. | Watson. |

Nays—5.

| | |
|------------|-----------|
| Glasscock. | Mayfield. |
| Grinnan. | Smith. |
| Harper. | |

Absent.

Willacy.

Absent—Excused.

Meachum. Stokes.

Absent Excused—On Account of Investigating Committee.

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|-------------|----------|
| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

Senator Chambers moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

The Chair assigned Mr. Shaw as Assistant to the Sergeant-at-Arms for the present.

SIMPLE RESOLUTION—ADOPTION OF.

Senator Terrell called up the following resolution:

Resolution asking that Miss L. Stanley be allowed the sum of \$40 for services as private stenographer for eight days' work (January 8 to January 15, 1907) for Lieutenant Governor Geo. D. Neal.

The resolution was read and adopted.

HOUSE BILL NO. 67.

Action then recurred on House bill No. 67. The bill having been read, and it was finally passed by the following vote:

Yeas—21.

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|-------------|------------|
| Alexander. | Hudspeth. |
| Barrett. | Kellie. |
| Chambers. | Masterson. |
| Cunningham. | Mayfield. |
| Faust. | Murray. |
| Glasscock. | Paulus. |
| Griggs. | Smith. |
| Grinnan. | Terrell. |
| Harbison. | Veale. |
| Harper. | Watson. |
| Holsey. | |

Absent.

Willacy.

Absent—Excused.

Meachum. Stokes.

Absent Excused—On Account of Investigating Committee.

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|-------------|----------|
| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 208.

On motion of Senator Grinnan, the special order of business (Senate bill No. 25) was suspended, and the Senate took up, out of its order, House bill No. 208.

The Chair laid before the Senate, on third reading,

House bill No. 208, A bill to be entitled "An Act to validate and legalize all sales of real estate belonging or that belonged to Coleman county, situated in the town of Coleman, in Coleman county, heretofore made at private sale for and in behalf of said county by J. F. Miles and W. O. Read, each in his representative capacity as commissioner, under appointment of the commissioners court of said county by orders entered upon the minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such in consummating such sales."

The bill was read third time, and finally passed.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 25.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 25, A bill to be entitled "An Act declaring void sales of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecutions of the sellers' business, and sales of entire stocks in bulk, unless made in compliance with certain named conditions, and prescribing such conditions and regulations according to which such sales may be made valid."

The following amendments were pending:

By Senator Veale:

Amend by striking out of line 26 all after the word "knowledge," down to and including the word "sale" in line 28.

Substitute by Senator Skinner:

Amend the bill by striking out all after the word "creditors," in line 26, page 1, and insert in lieu thereof the following: "Shown by said statement furnished him by the proposed seller, and any other creditors of whom the proposed purchaser at the time has actual knowledge."

The question was on the motion by Senator Alexander on yesterday to table the amendment and the substitute.

The roll was called and developed no quorum voting, the following Senators answering to their names:

Yeas—12.

| | |
|-------------|-----------|
| Alexander. | Harbison. |
| Barrett. | Holsey. |
| Chambers. | Hudspeth. |
| Cunningham. | Mayfield. |
| Faust. | Paulus. |
| Griggs. | Terrell. |

Nays—8.

| | |
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| Glasscock. | Murray. |
| Grinnan. | Smith. |
| Harper. | Veale. |
| Masterson. | Watson. |

Absent.

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| Willacy. | Kellie. |
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Absent—Excused.

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| Meachum. | Stokes. |
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Absent Excused—On Account of Investigating Committee.

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|-------------|----------|
| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

Senator Alexander moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion being duly seconded, was ordered.

EXCUSED.

On motion of Senator Chambers, Senator Willacy was excused from attendance upon the Senate for today on account of sickness.

The roll was called, the following answering to their names:

| | |
|-------------|------------|
| Alexander. | Harbison. |
| Barrett. | Harper. |
| Chambers. | Holsey. |
| Cunningham. | Hudspeth. |
| Faust. | Masterson. |
| Glasscock. | Mayfield. |
| Griggs. | Murray. |
| Grinnan. | Paulus. |

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| Smith. | Veale. |
| Terrell. | Watson. |

Absent.

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| Kellie. | |
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Absent—Excused.

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| Meachum. | Willacy. |
| Stokes. | |

Absent Excused—On Account of Investigating Committee.

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| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

Senator Kellie was here announced present, which made a quorum.

Action then recurred on the motion to table the amendment and the substitute to Senate bill No. 25, and

Senator Barrett called for a division of the question, which was granted by the Chair.

The vote was then taken on the motion to table the substitute amendment, which motion was adopted by the following vote:

Yeas—14.

| | |
|-------------|------------|
| Alexander. | Hudspeth. |
| Barrett. | Kellie. |
| Cunningham. | Masterson. |
| Faust. | Mayfield. |
| Griggs. | Murray. |
| Grinnan. | Terrell. |
| Holsey. | Veale. |

Nays—7.

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| Chambers. | Paulus. |
| Glasscock. | Smith. |
| Harbison. | Watson. |
| Harper. | |

Absent—Excused.

| | |
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| Meachum. | Willacy. |
| Stokes. | |

Absent Excused—On Account of Investigating Committee.

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|-------------|----------|
| Brachfield. | Senter. |
| Green. | Skinner. |
| Greer. | Stone. |
| Looney. | |

(Senator Chambers in the chair.)

Action then recurred on the motion to table the amendment by Senator Veale, which motion was adopted by the following vote:

Yeas—13.

| | |
|------------|-----------|
| Alexander. | Griggs. |
| Faust. | Harbison. |
| Green. | Holsey. |

Hudspeth. Smith.
Mayfield. Terrell.
Paulus. Watson.
Senter.

Nays—10.

Barrett. Harper.
Chambers. Kellie.
Cunningham. Masterson.
Glasscock. Murray.
Grinnan. Veale.

Absent—Excused.

Meachum. Willacy.
Stokes.

Absent Excused—On Account of Investi-
gating Committee.

Brachfield. Skinner.
Greer. Stone.
Looney.

Senator Alexander moved to recon-
sider the vote by which the amendment
was tabled, and lay that motion on the
table.

The motion to table prevailed.

Senator Glasscock offered the follow-
ing amendment, which was adopted:

Amend by inserting after the word
“and” in line 18 and after the word
“mail” in line 25, page 1, Section 1, the
following words: “To the last known
postoffice address of.”

GLASSCOCK,
GREEN.

Senator Smith offered the following
amendment:

Amend Section 1, line 16, by insert-
ing after the word “bulk” the follow-
ing: “On the sale of any personal prop-
erty subject to execution.”

The amendment was lost.

Senator Grinnan offered the following
amendment, which was adopted:

Amend by adding to Section 1 the fol-
lowing: “And the word sale as used in
this act shall extend to and include any
mortgage, deed of trust or lien.”

Senator Veale offered the following
amendment, which was adopted:

Amend by striking out the last “to”
in line 22 and the first eight words in
line 23 and insert in lieu thereof the
following: “Any vendor who shall
knowingly make a false affidavit under
this act shall be subject to the pains
and penalties of false swearing.”

GRIGGS,
TERRELL,
VEALE.

Senator Watson offered the following
amendment:

Amend Senate bill No. 25 by adding
after the word “seller,” in line 21, the

following: “For debts existing on ac-
count of said mercantile business.”

Senator Smith moved to table the
amendment, which motion was adopted
by the following vote:

Yeas—16.

Alexander. Holsey.
Chambers. Masterson.
Faust. Mayfield.
Glasscock. Murray.
Green. Senter.
Griggs. Smith.
Grinnan. Terrell.
Harbison. Veale.

Nays—7.

Barrett. Kellie.
Cunningham. Paulus.
Harper. Watson.
Hudspeth.

Absent—Excused.

Meachum. Willacy.
Stokes.

Absent Excused—On Account of Investi-
gating Committee.

Brachfield. Skinner.
Greer. Stone.
Looney.

Senator Glasscock moved the previous
question on the bill, which, being duly
seconded, was so ordered.

The bill was read second time, and
ordered engrossed by the following vote:

Yeas—20.

Alexander. Holsey.
Barrett. Hudspeth.
Chambers. Kellie.
Cunningham. Masterson.
Faust. Mayfield.
Glasscock. Paulus.
Green. Senter.
Greer. Terrell.
Griggs. Veale.
Grinnan. Watson.

Nays—4.

Harper. Murray.
Looney. Smith.

Absent.

Harbison.

Absent—Excused.

Meachum. Willacy.
Stokes.

Absent Excused—On Account of Investi-
gating Committee.

Brachfield. Stone.
Skinner.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

| | |
|-------------|------------|
| Alexander. | Harper. |
| Barrett. | Holsey. |
| Brachfield. | Hudspeth. |
| Chambers. | Kellie. |
| Cunningham. | Masterson. |
| Faust. | Paulus. |
| Glasscock. | Senter. |
| Green. | Smith. |
| Greer. | Terrell. |
| Griggs. | Veale. |
| Grinnan. | Watson. |
| Harbison. | |

Nays—3.

| | |
|---------|--------|
| Looney. | Stone. |
| Murray. | |

Absent.

Mayfield.

Absent—Excused.

| | |
|----------|----------|
| Meachum. | Stokes. |
| Skinner. | Willacy. |

The bill was read third time, and passed by the following vote:

Yeas—20.

| | |
|-------------|------------|
| Alexander. | Harbison. |
| Barrett. | Holsey. |
| Chambers. | Hudspeth. |
| Cunningham. | Kellie. |
| Faust. | Masterson. |
| Glasscock. | Murray. |
| Green. | Paulus. |
| Greer. | Senter. |
| Griggs. | Terrell. |
| Grinnan. | Veale. |

Nays—6.

| | |
|-------------|---------|
| Brachfield. | Smith. |
| Harper. | Stone. |
| Looney. | Watson. |

Absent.

Mayfield.

Absent—Excused.

| | |
|----------|----------|
| Meachum. | Stokes. |
| Skinner. | Willacy. |

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Here Senator Barrett made the point of order that the call of the Senate

should be dissolved, in that the absentees, under the call, were present.

The Chair (Senator Chambers) stated that the call was for the purpose of securing and maintaining a quorum, and overruled the point of order.

BILL SIGNED BY CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read,

House bill No. 176, A bill to be entitled "An Act incorporating the Stephenville Independent School District, in Erath county, Texas, for free school purposes only; defining its boundaries, and providing for a board of trustees; divesting the city of Stephenville of the control of its public schools and title to school property, and vesting the same in said Stephenville Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Stephenville Independent School District and its board of trustees, and declaring an emergency."

SENATE BILL NO. 177.

Senator Terrell moved that the special order of business (Senate Joint Resolution No. 12) be suspended, and the Senate take up, out of its order, Senate bill No. 177.

ADJOURNMENT.

On motion of Senator Smith, the Senate, at 12:15 o'clock adjourned until tomorrow morning at 10 o'clock by the following vote:

Yeas—13.

| | |
|-------------|---------|
| Barrett. | Kellie. |
| Brachfield. | Looney. |
| Chambers. | Murray. |
| Cunningham. | Paulus. |
| Faust. | Smith. |
| Glasscock. | Stone. |
| Greer. | |

Nays—12.

| | |
|------------|------------|
| Alexander. | Holsey. |
| Green. | Hudspeth. |
| Griggs. | Masterson. |
| Grinnan. | Terrell. |
| Harbison. | Veale. |
| Harper. | Watson. |

Absent.

Mayfield.

Absent—Excused.

| | |
|----------|----------|
| Meachum. | Willacy. |
| Stokes. | |

Absent Excused—On Account of Investigating Committee.

Senter. Skinner.

APPENDIX.

PETITIONS.

By Senator Murray:

To the Hon. W. O. Murray, State Senator, Austin, Texas:

We, the undersigned citizens of the town of Runge and vicinity, having in view the moral as well as financial welfare of the country, most earnestly petition our Senator and Representative in the Texas Legislature that they, together and individually, use their utmost endeavor in furthering, and give their unqualified support to any and all measures introduced in the Legislature designed for the abolishing of "wire houses" and "bucket shops," so called, and for the restriction of all gambling in futures to the smallest proportions.

Numerously signed.

By Senator Faust:

To our Representatives:

We, the citizens of Gonzales county, postoffices Rancho and Smiley, who are vitally interested in the cotton crop of Texas, earnestly petition our representatives in the House and Senate to support the Jenkins-Mayfield bill for the suppression of gambling in cotton and all other farm products, and in the regulation of the cotton exchanges of the country.

Numerously signed.

By Senator Veale:

Childress, Texas, February 19, 1907.

Be it resolved, That this International Brotherhood of Locomotive Engineers, Subdivision No. 574, located at Childress, Texas, respectfully petition the honorable Legislature of the State of Texas, now in session at Austin, that in any legislation that may be enacted relating to the limitation of free transportation over railways in this State, that it make provision that all railway employes and their families be exempted from the law prohibiting free transportation, as such transportation of such employes in fact and in truth is a part of the wages of such employes; that provision also be made in such law permitting the various railways operating in this State to grant interchangeable transportation for each other's employes, and also that these provisions and ex-

emptions shall apply to railroad employes that are temporarily out of employment and seeking employment from railway corporations.

We hereby certify that the foregoing is a true copy of a resolution that was adopted at a regular meeting of Subdivision No. 574, Brotherhood of Locomotive Engineers, at Childress, Texas, on this the 19th day of February, A. D. 1907.

W. F. DEEVEY,

(Seal.)

Chief Engineer.

A. C. TRAWEEK,

First Assistant Engineer.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 21, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 20, A bill to be entitled "An Act to reorganize the Second Judicial District and to create a new District No. 67, and to fix the time for holding of the courts therein, and for the appointment of a judge and district attorney for the Sixty-seventh Judicial District so created,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute bill be passed in lieu thereof.

WATSON, Chairman.

C. S. for S. B. No. 20. By Committee.

A BILL

To Be Entitled

An Act to reorganize the First, Second and Fifty-eighth Judicial Districts in the State; to prescribe the time for holding the courts therein, and for the appointment of a district attorney for the First Judicial District, and to repeal all laws and parts of laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: The First Judicial District shall be composed of the counties of San Augustine, Sabine, Jasper, Newton and Shelby.

Sec. 2. The Second Judicial District shall be composed of the counties of Tyler, Nacogdoches, Angelina and Cherokee.

Sec. 3. The Fifty-eighth Judicial District shall be composed of the counties of Jefferson and Orange.

Sec. 4. The courts in the First Judi-

cial District shall be held as follows: In the county of San Augustine on the first Mondays in February and August, and may continue in session for four weeks; in the county of Sabine on the fourth Monday after the first Mondays in February and August, and may continue in session for six weeks; in the county of Jasper on the tenth Monday after the first Mondays in February and August, and may continue in session for four weeks; in the county of Newton on the fourteenth Monday after the first Mondays in February and August, and may continue in session for four weeks; in the county of Shelby on the eighteenth Monday after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 5. The courts in the Second Judicial District shall be held as follows: In the county of Tyler on the first Mondays in February and September, and may continue in session for four weeks; in the county of Nacogdoches on the fourth Monday after the first Mondays in February and September, and may continue in session for seven weeks; in the county of Angelina on the eleventh Monday after the first Mondays in February and September, and may continue in session for five weeks; in the county of Cherokee on the sixteenth Monday after the first Mondays in February and September, and may continue in session the spring term for seven weeks and the fall term until the Saturday night before the first Monday in February.

Sec. 6. The courts in the Fifty-eighth Judicial District shall be held as follows: In the county of Orange on the first Mondays in February and September, and may continue in session for five weeks; in the county of Jefferson on the fifth Monday after the first Mondays in February and September, and may continue in session the first term for ten weeks, the second term in the county of Jefferson to commence on the fifteenth Monday after the first Mondays in February and September, and may continue in session the fall term or winter term until the first Monday in February the following, and the spring term for eight weeks.

Sec. 7. That the district attorney of the First Judicial District of which Orange county is now a part and who now resides in Orange county shall be the district attorney of the Fifty-eighth Judicial District, to which Orange county is attached by this act, and the office of district attorney for the Fifty-eighth Judicial District is hereby created and the district attorney of said district shall hold his office until the

next general election and until his successor is elected and qualified.

Sec. 8. That immediately upon the passage of this act the Governor shall appoint some suitable person, having the qualifications under the law, to be district attorney of the First Judicial District, as arranged and constituted by this act.

Sec. 9. That all process and writs issued out of the district court of the First District, the Second District and the Fifty-eighth District prior to the taking effect of this act, are hereby made returnable to the terms of said court as said terms are fixed by this act, and all bonds executed and recognizances entered of record in said court shall bind the parties for their appearance or to fulfill the obligations of such bond and recognizances at the terms of said courts as they are fixed by this act, and all process heretofore returned to, as well as all bonds and recognizances heretofore taken in any of said counties in the district courts thereof, shall be as valid as if no change had been made in said district, and the time of holding the court therein.

Sec. 10. Should any district court in either of the counties affected by the change made in this act be in session under existing laws when this act takes effect the same shall continue and end its terms under such existing law and process, writs, judgments and decrees shall be valid and shall not be affected by the change in said district, and the time of holding the court therein made by this act.

Sec. 11. That all laws and parts of laws in conflict with the provisions of this act be and the same is hereby repealed.

Sec. 12. The crowded condition of the dockets of the county of Shelby, the county of Sabine, Nacogdoches and Angelina, creates an emergency and an imperative public necessity and the crowded condition of the calendar making it impossible for this bill to be reached in its regular order, creates an emergency demanding that the constitutional rule requiring that bills be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 20, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 156, A bill to be en-

titled "An Act to amend 'An Act relating to State and county finances and the finances of cities incorporated under the General Laws of this State, providing for a system of State, county and city depositories for said State, county and city funds, for the selection and designation of such depositories; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict herewith,'" approved May 1, 1905, the same being Chapter 164 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, relating to a system for State, county and city depositories, so as to further define what banks or banking institutions may become State depositories, and providing for readvertising for bids for the safe-keeping and payment of the deposits of the State funds, and providing that in no instance shall there be awarded to any bidder any amount of State funds in excess of its paid-up capital stock, and making an appropriation for carrying into effect the provisions of said Chapter 164, as amended by this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, February 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 13, A bill to be entitled "An Act regulating the granting of divorces by annulling marriage, dissolving the bonds of matrimony, granting alimony, awarding custody of minor children, the practice in relation to the trial of divorce suits; prescribing penalties for the violation thereof, and with an emergency clause,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, February 20, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 162, A bill to be entitled "An Act creating the San Saba Independent School District,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, February 20, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 168, A bill to be entitled "An Act relating to and providing for the assessment for taxes of land and interests in land on and in which there is oil and other minerals, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, February 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 16, "An Act making it an offense punishable by fine and removal from office for any executive, legislative, ministerial or judicial officer of this State, district, county, city or other municipal subdivision of the State, to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office position, employment or duty in any department of the government, of which such executive, legislative, ministerial or judicial officer may be a member; or any person so related to any other such officer in consideration of the appointment or vote for the appointment by such other officer, of such person so related to the officer making or voting for such appointment; prohibiting the payment of any such ineligible person out of any public funds, and providing for suitable punishment and removal from office for the violation of this act, and fixing venue, and providing an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter it shall be unlawful for any executive, legislative, ministerial or judicial officer of this State to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the State, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages, pay or compensation of such appointee is to be paid for out of

public funds or fees of office; provided, it shall be unlawful under the provisions of this act for any district judge to appoint as official stenographer of his district any person related within the third degree to the judge or district attorney of such district.

Sec. 2. It shall hereafter be unlawful for any such executive, legislative, ministerial or judicial officer mentioned in Section 1 of this act to draw or authorize the drawing of any warrant or authority for the payment out of any public fund, of the salary, wages, pay or compensation of any such ineligible person, knowing him to be ineligible; and it shall be unlawful for any such executive, legislative, ministerial or judicial officer to pay out of any public funds in his custody or under his control, the salary, wages, pay or compensation of any such ineligible person, knowing him to be ineligible.

Sec. 3. Any judicial, legislative, ministerial or judicial officer who shall violate any provision of this act shall be deemed guilty of a misdemeanor involving official misconduct, and shall be punished by a fine of not less than \$100 nor more than \$1000, and shall forfeit his office.

Sec. 4. Under the designation, executive, legislative, ministerial or judicial officer, as mentioned herein, are included the Governor, Lieutenant Governor, Speaker of the House of Representatives, Railroad Commissioners, all heads of the departments of the State government, judges of all the courts of this State, mayors, recorders and aldermen of all incorporated cities and towns, public school trustees, officers and boards of managers of the State University and its several branches, State normals, the penitentiaries and eleemosynary institutions, members of the commissioners court, and all other officials of the State, district, county, cities or other municipal subdivisions of the State.

Sec. 5. Every person guilty of violating the provisions of this act shall, independently of or in addition to any criminal prosecution that may be instituted, be removed from office according to the mode of trial and removal prescribed in the Constitution of this State, and by quo warranto proceedings in all cases where the mode of trial and removal is not provided for in the Constitution.

Sec. 6. It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint and furnish employment for any person whose services are to be rendered under his direction control and paid for out of public funds,

and who is related by either blood or marriage within the third degree to any other executive, legislative, ministerial or judicial officer when such appointment is made in part consideration that such other officer shall appoint and furnish employment to any one so related to the officer making such appointment. Any such officer who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction be punished as provided in Section 3 of this act.

Sec. 7. Quo warranto proceedings instituted under this act to oust any person from any State, as contra-distinguished from any other office, shall be brought in the district court of Travis county, Texas, and all other such proceedings shall be instituted in the district court of the county where the defendant resides.

Sec. 8. The absence of any law of this State prohibiting nepotism creates an emergency and imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and the same is so done, and that this act take effect and be in force from and after its passage, and the same is so enacted."

And find the same correctly enrolled, and have this day, at 3:45 o'clock p. m., presented the same to the Governor for his approval.

MASTERSON, Chairman.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Friday, February 22, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson
in the chair.

Roll call, quorum present, the following answering to their names:

| | |
|-------------|------------|
| Alexander. | Hudspeth. |
| Barrett. | Kellie. |
| Cunningham. | Looney. |
| Faust. | Masterson. |
| Glasscock. | Mayfield. |
| Green. | Murray. |
| Griggs. | Paulus. |
| Grinnan. | Skinner. |
| Harbison. | Terrell. |
| Harper. | Veale. |
| Holsey. | Watson. |

Absent.

| | |
|-----------|----------|
| Chambers. | Smith. |
| Meachum. | Willacy. |